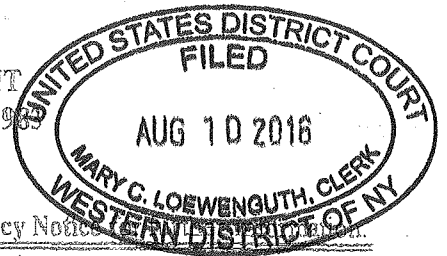


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORKFORM TO BE USED IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
(Prisoner Complaint Form)

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice.

1. CAPTION OF ACTION

16 CV 645

A. Full Name And Prisoner Number of Plaintiff: NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization or the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.

1. GERARD (Gerald) Walker # 98A2082

2. _____

-VS-

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than six defendants, you may continue this section on another sheet of paper if you indicate below that you have done so.

1. Correction Officer S. Williams 4. Superintendent John B. Tompke (Wende)
 2. Correction Officer K. BRIGGS 5. Superintendent James Conway (Attica)
 3. Deputy Superintendent of Security (Attica) JOHN DOE 6. Deputy Superintendent of Security (Brown) Wende

2. STATEMENT OF JURISDICTION

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name and Prisoner Number of Plaintiff: GERALD Walker #98A2082

Present Place of Confinement & Address: FIVE POINTS C.F. 6600 State Route 96
P.O. Box 119 Romulus New York 14541

Name and Prisoner Number of Plaintiff: _____

Present Place of Confinement & Address: _____

Name of Defendant: ⁽¹⁾ Correction Officers S. Williams AND ⁽²⁾ K. Briggs
(If applicable) Official Position of Defendant: Correctional Officer
(If applicable) Defendant is Sued in ☒ Individual and/or ☒ Official Capacity
Address of Defendant: Wende Correctional Facility 3040 Wende Road
P.O. Box 1187 AIDEN New York 14001-1187

Name of Defendant: Deputy Superintendents for Security ⁽³⁾ BROWN AND ⁽⁴⁾ JOHN DOE
(If applicable) Official Position of Defendant: Superintendents of Security
(If applicable) Defendant is Sued in ☒ Individual and/or ☒ Official Capacity
Address of Defendant: Wende C.F. P.O. Box 1187 AIDEN N.Y. 14001 (BROWN)
Attica C.F. P.O. Box 149 Attica N.Y. 14011 (JOHN DOE)

Name of Defendant: Superintendents ⁽⁵⁾ JAMES CONWAY AND ⁽⁶⁾ JOHN LEMPKE
(If applicable) Official Position of Defendant: Superintendents
(If applicable) Defendant is Sued in ☒ Individual and/or ☒ Official Capacity
() Address of Defendant: Wende C.F. P.O. Box 1187 AIDEN N.Y. 14001 (LEMPKE)
Attica C.F. P.O. Box 149 Attica N.Y. 14011 (CONWAY)

Six Total Defendants

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?
Yes ☒ No ☐

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): Gerard Walker

Defendant(s): The State of New York

2. Court (if federal court, name the district; if state court, name the county): The Supreme Court
Court of Claims New York State

3. Docket or Index Number: #125877 (CLAIM #) INDEX #4001805J

4. Name of Judge to whom case was assigned: The Honorable RICHARD E. SISE

The approximate date the action was filed: September 18 2015

6. What was the disposition of the case?

Is it still pending? Yes ☒ No ☐

If not, give the approximate date it was resolved: _____

Disposition (check the statements which apply):

Dismissed (check the box which indicates why it was dismissed):☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;☐ By court for failure to exhaust administrative remedies;☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;☐ By court due to your voluntary withdrawal of claim;Judgment upon motion or after trial entered for☐ plaintiff☐ defendant.

B. Have you begun any other lawsuits in federal court which relate to your imprisonment?

Yes ☐ No ☒If Yes, complete the next section. NOTE: *If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. District Court: _____

3. Docket Number: _____

4. Name of District or Magistrate Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes ☐ No ☐

If not, give the approximate date it was resolved: _____

Disposition (check the statements which apply):

Dismissed (check the box which indicates why it was dismissed):

- ☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- ☐ By court for failure to exhaust administrative remedies;
- ☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- ☐ By court due to your voluntary withdrawal of claim;
- ☐ Judgment upon motion or after trial entered for
- ☐ plaintiff
- ☐ defendant.

5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include all possible claims.)

Assault
And
Battery

- Religion
- Free Speech
- Due Process
- Equal Protection

- Access to the Courts
- False Arrest
- Excessive Force
- Failure to Protect

- Search & Seizure
- Malicious Prosecution
- Denial of Medical Treatment
- Right to Counsel

Deliberate
Indifference

Retaliation

Unlawful Confinement Shrink Conspiracy

Please note that it is not enough to just list the ground(s) for your action. You must include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995). Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prison er confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate that you have exhausted your remedies for each claim you assert in this action.

A. FIRST CLAIM: On (date of the incident) Excessive Force / Assault ^{Battery}
 defendant (give the name and position held of each defendant involved in this incident) CO K. Briggs
AND CO S. Williams

did the following to me (briefly state what each defendant named above did): Not Enough
space provided Please

See Attached Statement

OF CLAIM or Separate Pieces of

Paper. (The whole complaint is Attached.)

The constitutional basis for this claim under 42 U.S.C. § 1983 is: 8th Amendment. cruel and
unusual Punishment

The relief I am seeking for this claim is (briefly state the relief sought): \$350,000.00 compensatory
and Punitive Damages Three hundred and fifty
Thousand Dollars

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? ☒ Yes ☐ No If yes, what was the result? Sent To I.G.

Did you appeal that decision? ☒ Yes ☐ No If yes, what was the result? I.G. Found
Misconduct occurred

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so:

Grievance Attached

YES I DID
exhaust my
Remedies

See attached papers for
CLAIM TWO Thru Nine.

A. SECOND CLAIM: On (date of the incident) COs K. Briggs
 defendant (give the name and position held of each defendant involved in this incident) S. Williams / OSS JOHN DOE AND BROWN / Superintendents
JAMES CONWAY and JOHN B Lempke

did the following to me (briefly state what each defendant named above did): See

Attached Statement of claim
for claims Two Thru Nine. HAND WRITTEN
ON COMPLAINT Not enough space provided.
DEFENDANTS are The Same. ~~ALL~~ All Submitter.
Pursuant to 42 U.S.C. 1983

The constitutional basis for this claim under 42 U.S.C. § 1983 is: 1st 8th 14th 5th

The relief I am seeking for this claim is (briefly state the relief sought): 2 thru 9

1,265,000.00 ONE Million Two hundred
and Sixty Five Thousand compensatory and Punitive
Damages

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? ☒ Yes ☐ No If yes, what was the result? _____

Did you appeal that decision? ☒ Yes ☐ No If yes, what was the result? Miscarried Substantia
ted by the N.Y.S. Inspector General's Office

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: _____

If you have additional claims, use the above format and set them out on additional sheets of paper.

6. RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

compensatory and Punitive Damages in the amount
of 1,165,000 Total for all claims asserted. That
is the relief sought.

Do you want a jury trial? Yes ☐ No ☐

Attached Statement
of claim, caption
of action [REDACTED]
Space provided wasn't enough
to state claim and
list all defendants. And my
Grievance which was appealed
to C.O.R.C. exhausting my
administrative remedies

Joselyn Walther
7/31/16

7

Attached sheets
statement of claim
complaint appendix
Grievance # WDC 39520-M

I

United States District Court
Western District of New York
Complaint under Civil Rights Act 42 U.S.C.
1983

① Caption of Action #
(~~DERARD~~) GERALD WALKER 98A2082
Plaintiff
- VS -

Defendants

1. CO S. Williams (Wende C.F.)
2. CO K. Briggs (Wende C.F.)
3. DSS Brown (Wende C.F.)
4. DSS John Doe (Attica C.F.)
5. Superintendent JAMES CONWAY Attica C.F.
6. Superintendent JOHN B. LEMPTER Wende C.F.

② Statement of Jurisdiction
This action is brought pursuant to 42 U.S.C. 1983. The court has jurisdiction over the action pursuant to 28 U.S.C. 1331, 1343 (b) and (1) and 2201. This is a civil action seeking relief and or damages to defend and protect rights guaranteed by the constitution of the United States

③ Parties to this action
Plaintiff's information Derard Gerald Walker
98A2082 6600 State route 96 P.O. Box 119
Romulus N.Y. 14541 Five points C.F.

Defendants information

① CO K. Briggs sued in his individual and official capacities 3040 Wende RD.
P.O. Box 1187 AIDEN, N.Y. 14004-1187

② CO S. Williams sued in her individual and official capacities 3040 Wende RD.
P.O. Box 1187 AIDEN, N.Y. 14004-1187

③ Superintendent of Wende C.F. John B. Lempke sued in his individual and official capacities 3010 Wende RD. P.O. Box 1187 AIDEN, N.Y. 14004-1187

④ Superintendent of Attica C.F. James Conway sued in his individual and official capacities 639 Exchange St. P.O. Box 149 Attica New York 14011-0149

⑤ Deputy Superintendent of Security Wende C.F. ROTUNDO sued in his individual and official capacities 3010 Wende RD. AIDEN, N.Y. 14004-1187

⑥ Deputy Superintendent of Security Attica C.F. JOHN DOE sued in his individual and official capacities. 639 Exchange St P.O. Box 149 Attica N.Y. 14011-0149

4. Previous lawsuits in Federal court
 - A. ~~_____~~ Have I Beant any other lawsuits in State or Federal court dealing with the same facts involved in this action? Yes
 1. Plaintiff: Gerard Walter 98A2082
 - Defendant: The State of New York
 2. Court of claim: New York State Supreme Court Albany County.
 3. ~~_____~~ INDEX # H004805J
 - Claim # 125817
 4. Name of Judge: RICHARD E. Sise
 5. Filed on 9/18/15
 6. I have Not Beant any other lawsuits in Federal court which relate to my imprisonment.

This is true and correct under penalty of perjury

(Attached Papers to Complaint)
(Description of Incident)

42 USC 1983 Statement of Claim

Handwritten Complaint under 42 USC 1983

5. Statement of claim (FACTS)

the complaint that
I was made to
stand in front of
the mess hall

Branch Manager
7/31/16

- ① ON AUGUST 7, 2014 WHILE WORKING IN WENDE C.F. MESSHALL OFFICER S. WILLIAMS SUBMITTED A TICKET TO SGT. D. MINNICK ACCUSING ME OF MISBEHAVIOR. HE THEN ASKED ME WHAT HAPPENED.
- ② I TOLD HIM THAT EARLIER THAT DAY C.O. S. WILLIAMS ESCORTED THE NEW WORKERS TO THE STATESHOP TO RECEIVE THEIR WHITES AND THAT I HAD A CALL-OUT TO RECEIVE GREENS AND UNDERCLOTHES WHICH I PRODUCED AND SHOWED HER. I THEN HAD THOSE ITEMS ISSUED TO ME.
- ③ THE STATE SHOP CIVILIAN AND I DID HAVE A DISPUTE BUT IT WAS NOTHING MAJOR. AFTER SHE (S. WILLIAMS CO) QUESTIONED ME ABOUT THAT WE RETURNED TO THE MESSHALL WITH NO PROBLEM. SGT D. MINNICK THEN TOLD C.O. S. WILLIAMS THAT IF IT WAS REALLY A PROBLEM SHE SHOULD OF LOOKED ME UP EARLIER AND REFUSED TO ACCEPT THE TICKET FOR MISBEHAVIOR.
- ④ SGT D MINNICK THEN TOLD ME I NO LONGER WORK IN THE MESSHALL. HE SAID HE WILL HAVE ME BROUGHT BACK TO THE PROGRAM COMMITTEE TO RECEIVE ANOTHER PROGRAM.
- ⑤ C.O. S. WILLIAMS GOT ANGRY AND BEGAN FOLLOWING SGT D. MINNICK AROUND

The messhall speaking loudly to the other officers. S. Williams (CO) stopped following the Sgt. and began a conversation with Co K. Briggs. About 15 minutes after chow began, lunch. Me and another person were in the kitchen sitting down when Co S. Williams approached me and said she wanted to speak with me.

(6) I got up and followed her to the back of the messhall where K. Briggs appeared. When I turned to look at him and then back to face her S. Williams (CO) struck me in the front of the head with her baton. Then I was struck numerous times in the back of the head by Co K. Briggs. The strikes/hits continued to the back, arms, head and ribs. I was hit in the front of the head again as I was going down.

(7) Other officers responded and struck me with their batons also while I was down. I was kicked and poked while being talked to in a derogatory manner. Then another officer (Co Keller) came and handcuffed me, lifted me up, and moved me to the dock door where he and other officers who just came took me to medical.

(8) In medical some of my injuries and pictures were taken. I got a few butterfly stitches because I re-

fixed staples or needle stitches. The nurse was merely trying to downplay my injuries. I had my head and arm x-rayed and was put in SHU ON 8/8/14. I got a misbehavior report for assault on staff, violent conduct, disobeying a direct order and interference. I requested assistance and all civilian employees as witnesses. I also requested convict witnesses.

9. CO S. WILLIAMS AND CO K. BRIGGS SADISTICALLY AND MALICIOUSLY CONSPIRED WITH EVIL INTENT TO CAUSE THE PHYSICAL AND EMOTIONAL HARM BY VICIOUSLY ASSAULTING ME WITH WEAPONS AND BATTERING ME USING DEADLY FORCE. THEY THEN FALSIFIED PAPERWORK AND MADE FALSE STATEMENTS TO FRAME AND SHOULDER ME GIVING ME A FABRICATED TICKET ACCUSING ME OF ASSAULT TO COVER UP THEIR CRIMINAL ACTS IN THE PROCESS. THE DEFENDANTS CONDUCT WAS ILLEGAL AND WAS IN NO WAY WITHIN THE SCOPE OF THEIR EMPLOYMENT, NOR IN THE DISCHARGE OF ANY OFFICIAL DUTY AS CORRECTIONS OFFICERS.

10. AFTER A FEW DAYS IN WENDE SHU I WAS MOVED TO ATTICA SHU. THE NEXT DAY AN I.G. INVESTIGATOR VISITED ME AND ASKED ABOUT THE INCIDENT. I TOLD HIM WHAT HAPPENED TO THE BEST OF MY RECOLLECTION AT THE TIME. HE THEN TOLD ME THAT FOOD SERVICES ADMINISTRATOR SMITH TOLD THE CAPTAIN IT WAS AN UNPROVOKED ATTACK

That took place AND Her statement differed from the officers, AND the officers CO S. Williams and K. Briggs (CO) were immediately suspended AND that I would be released from SHU.

- (11) I WAS NOT released. I WAS in Attica SHU for over 2 weeks with NOTHING BUT the clothes on my back. No Property at All. I HAD Pissy water Thrown in My Vent Daily Flooding My Floor causing unsanitary conditions. I WAS Denied showers. I could not go to rec without a sweatshirt or a coat. I WAS verbally harassed and Threatened Daily in fear for My safety IN Attica special housing unit for assault on staff. A female at that: ~~XXXX~~ ~~XXXX~~ I WAS ~~XXXX~~ Behind Plexiglass so I couldn't communicate with any body. AND I WAS physically injured at that time. This WAS cruel and unusual punishment in its purest form. I suffered emotionally AND Physically, Immensely.

- (12) I never had a chance to defend Against the charges. No Due Process at all. No Hearing at all. I personally spoke to everyone from Superintendent contrary to Sgt Cochran on rounds. I asked about a hearing AND WAS Ignored. I asked to be moved to Population AND WAS Denied. I Filed complaints and Grievances and got No response. I finally spoke to First Deputy Susan Kieckhefer who told me I WAS a Holdover and that's

Why I Didnt get Anything But Pen And Paper. I explained in Detail The circumstances and she saw I had nothing. She Told Me To Put My Requests in Writing and I Did So.

13. IN her response she Told Me I would be receiving things. I stayed in The Box over 2 weeks with No Books, Mail, Pictures, legal work, stamps, or clothes. ON September 4th I WAS MOVED To Five Points C.F. and released ON September 5th 2014. IN October I WAS CONTACTED By Matt Blomington From The Bureau of Labor relations and told he needed Me To Testify at a Disciplinary/Arbitration Hearing for (CO S. Williams and CO K. Briggs) The OFFICERS who assaulted Me and I Did. I BEEN Having trouble ever since in this Facility.

14. I HAVE Had My Paperwork DESTROYED or Taken, My Property DESTROYED or Taken, and HAVE BEEN HARASSED By the Rogue element in this Jail. IN June 2015 The F.C. investigators came To see Me about my claims of retaliation and while here They informed Me That The end result of Their investigation Was The charges of Misconduct were Substantiated.

15. I HAVE Filed Numerous Grievances For Requests AND appeals To counsel To Retrieve Proof of That Decision and HAVE BEEN DENIED. Now I File This complaint under 42 U.S.C. 1983

Exhaustion of administrative remedies

In accordance with 42 U.S.C. § 1997e I have exhausted my administrative remedies by filing a grievance for each claim asserted in the complaint and appealing that grievance all the way to C.O.R.C. receiving a final determination.

All my claims stem from one incident which occurred on August 7th 2014 Grievance #WDE-39520-14 (FPT-24593-14) code 49 The final determination from CORE was Grievance granted in part and turned over to I.G. (See Grievance attached) I have filed other grievances as well from the side effects of the stem issue and appealed those all the way to CORE also.

First claim ON 8/7/14 Defendants CO S. Williams and CO K. Briggs did the following to me: Sadistically and maliciously assaulted and battered me with deadly force. Viciously using a weapon striking me numerous times in the head and body causing injuries. Assault and battery excessive force The constitutional basis for this claim under 42 USC 1983 is cruel and unusual punishment 8th Amendment. The relief I am seeking is \$350,000.00. 150,000.00 each Defendant for compensatory damages and 25,000.00 Each Punitive damages.

Second claim ON 8/7/14 Defendants CO S. Williams and CO K. Briggs did the following to me: conspired with sadistic

AND MALICIOUS intent Before and During, AND AFTER The assault To violate my constitutional rights and to commit a criminal act Then to cover it up. conspiracy
 The constitutional Basis For This claim Under 42 U.S.C. IS 1st 5th 8th 14th Amendment Equal protection? The relief I am seeking is 10,000.00 25,000.00 each compensatory Damages 5,000.00 each Punitive Damages.

● Third claim ON 8/7/14 CO J. WILLIAMS and CO K. BRIGGS Did The following to me a Sadistically and Maliciously retaliated against me for exercising my right for redress for Defending myself against false charges using my Free Speech. Retaliation The constitutional Basis for This claim is The First Amendment The relief I am seeking is 50,000.00 ^{20,000.00} each For compensatory Damages and 5,000.00 Each Punitive Damages.

● Fourth claim From 8/7/14 to 9/5/14 Defendants Superintendents James Conner (Attica C.F.) AND JOHN B. Kempter (Wende C.F.) AND Deputy Superintendents of Security Brown (Wende C.F.) AND JOHN DOE (Attica C.F.) kept me confined in SHU without a hearing or disposition for approximately 30 days. They were all personally aware and ignored their duty to follow the Rules/AND. No Due Process. ^{The constitutional basis for this} 5th 6th AND 14th Amendments The relief I am seeking for this claim is 180,000.00 20,000.00 For Punitive Damages 25,000.00 compensatory Damages.

Fifth claim From 8/7/14 to 9/5/14
 Defendants Superintendents - James Conway
 (attica CF) AND John B Kempe (wende CF)
 AND DSS Brown (wende CF) AND John Doe
 (attica CF) knowingly and unlawfully kept me
 confined in the special housing unit. I
 had a liberty interest to be free from
 unlawful restrictions unlawful confinement
 The constitutional basis for this claim ^{order} 42 U.S.C. 1983
false imprisonment 8th AND 14th Amendments is
 The relief I am seeking for this claim
 is 20,000.00 2500.00 Each Punitive and
 2500.00 each compensatory Damages.

Sixth claim ON 8/7/14 Defendants
 CO S. Williams and CO K. Briggs malic-
 iously and sadistically framed me for
 assault and slandered me by falsely
 accusing me of attacking a female CO
 Then falsified documents to bolster
 their lies. slander/fraud/falsification
of records The constitutional basis for this
 claim under 42 U.S.C. 1983 is 42 U.S.C. 1983
civil rights 1st 5th 8th 14th Amendments The
 relief I am seeking for this claim is 20,
 000.00 7500.00 Each compensatory Damages
 and 2500.00 Each for Punitive Damages.

Seventh claim ON 8/7/14 Defendant CO
 K. Briggs sadistically and maliciously filed
 a false misbehavior report to have me con-
 fined and sent to the special housing unit
 knowing I would be prosecuted with the
 intentions to testify against me as evidenced
 by his numerous false reports. The

Disciplinary Process WAS used as a tool to illegally cover up misconduct. The constitutional Basis for this claim is 8th 14th 8th Amendments Malicious prosecution/ False charges The relief I am seeking is \$ 25,000.00 20,000.00 compensatory and 5,000.00 for Punitive Damages.

- ~~EIGHTH~~ CLAIM 8 FROM 8/11/14 TO 9/5/14 DEFENDANTS JAMES CONWAY JOHN KEMPTER SUPERINTENDENTS OF ATTICA AND WENDE C.F. AND Deputy Superintendents for Security FOR ATTICA AND WENDE C.F. JOHN DOE AND BROWN DID THE FOLLOWING TO ME: FAILED IN THEIR DUTY TO FOLLOW WELL ESTABLISHED LAWS AND DIRECTIVES BY DENYING ME any property for weeks, BY NOT GIVING ME a change of clothes for weeks, AND BY KEEPING ME CONFINED IN SHU WITH NO HEARING FOR A MONTH. I WAS DENIED THE PROCESS AND WAS TREATED INHUMANELY AND THE ADMINISTRATION IN BOTH FACILITIES WAS PERSONALLY AWARE OF MY SITUATION THEY DID NOTHING TO CORRECT IT. MY RIGHTS WERE IGNORED AFTER THE PRISON ATTORNEY HAD AN IDEA I WAS INNOCENT AFTER NO HEARING WAS HELD. I WAS CONFINED IN SHU OVER 2 WEEKS ABOVE THE ALLOWABLE 14 DAYS TO COMPLETE A HEARING AND COULD OF EASILY BEEN RELEASED TO POPULATION UNDER BETTER CONDITIONS. ALL FOUR ADMINISTRATORS/DEFENDANTS WERE UNLAWFULLY DELIBERATELY INDIFFERENT TO MY SITUATION. THE CONSTITUTIONAL BASIS FOR THIS CLAIM IS 8th DELIBERATE INDIFFERENCE CRUEL AND UNUSUAL PUNISHMENT THE PROCESS 8th 14th 8th AMENDMENTS I AM SEEKING 60,000.00 7500.00 EACH FOR FOR

Compensatory Damages and \$1,500.00 Each For Punitive Damages.

NINTH CLAIMS ON 8/11/14 S. Williams CO AND K. Briggs (CO) Defendants Sadiotically and Maliciously conspired To viciously assault me with weapons using deadly force. They then framed me for assault on A woman causing me problems in here with the Police. They falsified Documents AND had me issued a fabricated misbehavior report having me put in the Box physically injured knowing I did nothing wrong causing me extreme emotional Distress. I was treated like an Animal AND will never get over what happened to me. I'll never be the same. I suffered mental anguish from the abuse and the indifference of the Defendants who knew about it. First the assault then the injuries then the Box and then the inhumane treatment while there was ongoing torture Every time I get searched or put on the wall I feel Anxiety. I have no trust for correction officers now. This crime made me feel worthless as a person. I have nightmares about the incident. I have bad headaches and take medication daily because of this attack. The constitutional basis for this claim under 42 U.S.C. 1983 is 8th Amendment cruel and unusual punishment no equal protection with intention of infliction of physical and emotional harm. Sadistic and malicious infliction of emotional Distress. The Relief in seeking for this claim is 350,000.00 150,000.00 Each For compensatory Damages and 25,000.00 each Defendant For punitive Damages.

6. Relief Sought (Summary)
The relief I am seeking goes as follows:

Claim 1. 350,000.00 for assault and battery

Claim 2. 60,000.00 for conspiracy

Claim 3. 50,000.00 for retaliation

Claim 4. 180,000.00 for No Due Process

Claim 5. 20,000.00 for unlawful confinement

Claim 6. 20,000.00 for slander / fraud /
Falsification of records

Claim 7. 25,000.00 for malicious
Prosecution False charges

Claim 8. 60,000.00 for Deliberate
Indifference cruel and unusual Punishment
AND Due process


Claim 9. 350,000.00 for No Equal
Protection, intentional infliction of emotional
distress AND physical injuries, Sadistic
and malicious infliction of physical AND
emotional harm.

To summarize Plaintiff Requests 1,165,000
One Million one hundred and Sixty Five
Thousand Dollars.

I Request trial by Judge
I Declare under penalty of Perjury the
foregoing is true and correct

I Declare The above
is true and correct

7/31/16
Signature of Plaintiff

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES</p> <p>INMATE GRIEVANCE PROGRAM SUPERINTENDENT</p>	Grievance No. #WDE-39520-14		Date Filed 7/29/14
	Facility Wende		Policy Designation Institutional
	Title of Grievance Harassment		Class Code #49
	Superintendent's Signature <i>R. Killian acting Supt</i>		Date 8/21/14
Grievant WALKER, G.		DIN 98A2082	Housing Unit ATTICA C.F.

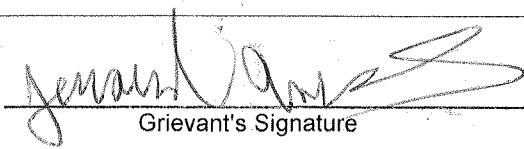
This grievance is being investigated by I.G.

The Captain states this Grievance can not be investigated at the Facility. This investigation has been turned over to the I.G.

oh
8/22/14

APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent, please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) working days from receipt of this notice to file your appeal. Please state why you are appealing this decision to C.O.R.C.

<hr/>	
<hr/>	
 <hr/> <p>Grievant's Signature</p>	<hr/> <p>8/14</p> <hr/> <p>Date</p>
<hr/> <p>Grievance Clerk's Signature</p>	<hr/> <p>Date</p>

INMATE Grievance WDE-395208/14

G. Walker 98A2082 SHU 11/2/14

Description of Problem: (45) Assaulted
By C.O.

ON 8/7/14 I WAS HARASSED, FALSELY
 ACCUSED OF ASSAULT, AND WAS ASSAULTED BY
 C.O. K. BRIGGS AND C.O. WILLIAMS. CO WILLIAMS
 SAID SHE WANTED TO TALK TO ME AND LURED
 ME IN THE BACK OF THE MESSHALL WHERE CO BRIGGS
 WAS. I WAS WATCHING HIM. HE DIRECTED ME TO
 REST AND SOON AS I TURNED MY HEAD HE STRUCK
 ME 11 TIMES IN THE SKULL WITH HIS BATON. C.O.
 WILLIAMS STRUCK ME ONCE IN THE HEAD AND
 NUMEROUS TIMES IN THE BODY. OTHER OFFICERS CAME
 AND ASSAULTED ME AS WELL. THEN I WAS TAKEN
 TO MEDICAL AND WAS NOT TREATED HUMANELY
 BY STAFF. ~~THEIR~~ DELIBERATE INDIFFERENCE WAS
 EVIDENCED BY NOT TREATING THE PAIN OR GIVING
 ME ANYTHING FOR PAIN SINCE THIS INCIDENT
 OCCURRED. I HAVE SUBMITTED SICK CALL SLIPS AND
 WHEN THE STRIPS CAME OFF MY HEAD I REQUESTED
 EMERGENCY SICK CALL TO HAVE THEM REPLACED.

that request was ignored because I was 20-14

Being accused of assault on staff. Staff is not helping me.

Action requested: That a thorough investigation be initiated to clear my name and the threats and harassment stops.

And that medical staff do their duty and treat me humanely so my pain can be mitigated.

Jessie Gulben
9822082 SHU 42/11

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 7/31/16 (date)

NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.

Jenard Walker, RA2082

Signature(s) of Plaintiff(s)

AUTHORIZATION

PRISONER'S CIVIL ACTION FILING FEE WESTERN DISTRICT OF NEW YORK

I, (print name) GERALD WALKER, request and authorize the agency holding me in custody, to send to the Clerk of the United States District Court, Western District of New York, a certified copy of the statement for the past six months of my trust fund account (or institutional equivalent) at the institution where I am incarcerated.

I further request and authorize the agency holding me in custody to calculate and disburse funds from my trust account (or institutional equivalent) in the amounts specified by 28 U.S.C. § 1915 (b), to deduct those amounts from my prison trust account (or institutional equivalent), and to disburse those amounts from my account to the United States District Court for the Western District of New York.

This Authorization shall apply to any other agency into whose custody I may be transferred, and to any other district court to which my case may be transferred and by which my poor person application may be decided.

This Authorization is furnished in connection with the commencement of a federal court civil action, and I understand that I must pay the total amount of the filing fee, which is \$350.00.

I understand that by signing this authorization, the entire filing fee of \$350.00 will be paid to the court in installments by automatic deductions from my prison trust fund account even if my case is dismissed before the entire amount of the fee has been deducted from my account.

Dated: 7/31, 2016

Gerald Walker
Signature of prisoner

GERALD (GERALD) WALKER
Printed name of prisoner

98A2082
Inmate number of prisoner

GERALD WALKER 98A2082
(Name of Plaintiff or Petitioner)

MOTION TO PROCEED *IN FORMA PAUPERIS*
AND SUPPORTING AFFIRMATION

-CV-

1. S. Williams v. S. CONWAY
2. K. Briggs S. S. LEMPK
3. JOHN DOE W. BROWN
(Name of Defendant(s) or Respondent(s))

I, GERALD WALKER, (print or type your name) am the plaintiff/petitioner in the above-entitled case and hereby request the Court's permission to proceed *in forma pauperis*.

In support of my motion to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of this action or to give security therefor and that I believe I am entitled to redress.

I further declare that the responses which I have made in this affirmation below are true.

1. Are you presently employed? Yes ☒ No ☐
My Employer's Name and Address is: NYS DOCS

My Gross Monthly Wages are: \$ 9.00
If you are not presently employed, state
Your Last Date of Employment: _____
Your Gross Monthly Wages at that time: _____

Is your spouse presently employed? Yes ☐ No ☐
My Spouse's Employer's Name and Address is: _____

My Spouse's Gross Monthly Wages are \$ _____

2. Have you received any money from any of the following sources within the past twelve months:

- Business, profession or self-employment? Yes ☐ No ☒
If yes, state source and amount received per month \$ _____
 - Rent payments, interest or dividends? Yes ☐ No ☒
If yes, state source and amount received per month \$ _____
 - Pensions, annuities, disability, or life insurance payments? Yes ☐ No ☒
If yes, state source and amount received per month \$ _____
 - Gifts or inheritances? Yes ☐ No ☒
If yes, state source and amount received per month \$ _____
 - Child Support? Yes ☐ No ☒
If yes, state amount received each month \$ _____
 - Government Benefits (Social Security, SSI, Welfare, AFDC, Veterans, etc.)? Yes ☐ No ☒
If yes, state source and amount received per month \$ _____
 - Friends, Relatives or any other source? Yes ☐ No ☒
If yes, state source and amount received per month \$ _____
- If you have not received any money from any of the above sources, please explain how you are currently paying your expenses:

3. What is your total gross monthly income today: \$ 9.00

4. How much cash do you have on hand? \$ NONE

5. How much money do you have in a checking account(s)? \$ None
6. How much money do you have in a savings account(s)? \$ None
7. If you are an inmate of a correctional facility, state the amount of funds in your inmate account (NOTE: prisoners must have inmate account balances certified by an authorized official of the correctional facility and must include a signed Authorization for payment of the filing fee): \$19.00
8. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes No ✓
If so, describe the property in detail and give an estimated value of the property:
- If you own property, are you paying off a loan or mortgage on it? Yes No
If yes where are you obtaining the money to make such payments: NA
9. If you are not an inmate, state your total monthly household expenses:
Rent or mortgage \$ Food \$ Utilities \$ All other expenses \$
If your monthly expenses exceed the amount of income you listed in # 3 above, please explain how you are paying your expenses: NA
10. List all of the people who are in your household and state the amount of money each one contributes to household expenses each month: NA
11. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support: NA
12. Have you been adjudicated bankrupt within the past ten (10) years? Yes No ✓
If the answer is yes, please include the court and date of filing:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

7/31/16
(Date)

James W. Walker
(Applicant's Signature)

PRISON CERTIFICATION SECTION

(Required for Prisoner Requests Only; Prisoner Requests Must Have This Section Completed By Prison Official)

I certify that the movant has the sum of \$ on account to his/her credit at the Correctional Facility where s/he is currently confined.

I further certify that the movant has the following securities to his/her credit according to the institution's records:

I further certify that the movant's average account balance was \$ during the last six months.

Signature of Authorized Officer of Institution

Print Name of Authorized Officer of Institution

Clerk of court:
cover letter.

7/31/16

enclosed is a completed signed
complaint form. as well as handwritten
attachments and grievance.

2. A signed authorization

3. one completed civil cover sheet.

I am a pro se litigant so please
direct me how to correct anything
I have wrong.

Thank you.

8/2/16

clerk of court:

I just submitted my 42-U.S.C.
1983 complaint with poor personal
papers and authorization and civil
cover sheet. I just received one
estimate accounts filled out so
I'm sending you that also. Any
help you give will be greatly
appreciated.

Thank you.

G. Walker

98A2082

guardhouse

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

16

CV 645

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Gerald D. Walker
#98A2082
Seneca

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Gerald D. Walker
98A2082 P.O. Box 119 Romulus NY.
(Po Se) MS41

DEFENDANTS Co. S. Williams (1) K. Briggs (Co)
Superintendents James (3)
DSS Brown and John Doe
County of Residence of First Listed Defendant
HIE Wendel Africa

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RS1 (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input checked="" type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. 1983 civil rights action
 Brief description of cause: Assault / Slander / cruel and unusual Punishment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 1,165,000.00
 CHECK YES only if demanded in complaint:
 JURY DEMAND: ☐ Yes ☒ No

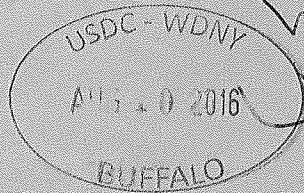
VIII. RELATED CASE(S)

(See instructions):

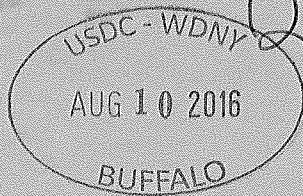
IF ANY
 DATE 7/3/16
 SIGNATURE OF ATTORNEY OF RECORD: Gerald D. Walker
 JUDGE: Richard E. Side
 DOCKET NUMBER: 126877
 FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Gerard (Jerald) Walter 98A2082
P.O. Box 119 Romulus N.Y. 14541
Five Points C.F. 11-B2-42B



Western District
United States



2 Niagara Sq.
Buffalo, NY

(ATTN) Clerk of

Michael

FIVE POINTS CORRECTIONAL
FACILITY
LEGAL MAIL ONLY